

**ENTERED**

August 20, 2019

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

FRED HOFFMAN, III,

Plaintiff,

VS.

JAVIER MURO, *et al*,

Defendants.

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CIVIL NO. 2:18-CV-333

**ORDER**

The Court is in receipt of the Magistrate Judge's First Memorandum and Recommendation ("M&R"), Dkt. No. 10; Plaintiff's Objections to the First M&R, Dkt. No. 20; Defendant Corey Furr's ("Furr") Motion to Dismiss, Dkt. No. 21; Plaintiff's Response to the Motion to Dismiss, Dkt. No. 31; and the Magistrate Judge's Second M&R, Dkt. No. 40. No objections were filed against the Second M&R by Plaintiff.

After independently reviewing the filings, the record, and applicable law, the Court **ADOPTS IN SUBSTANCE** the First M&R,<sup>1</sup> Dkt. No. 10, and **ADOPTS IN SUBSTANCE** the Second M&R,<sup>2</sup> Dkt. No. 40.


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<sup>1</sup> The Court declines to adopt the statement in Section II of the M&R that states: "Sergeant Guzman told Plaintiff not to mess around with his girlfriend, who happened to be Sergeant Guzman." Dkt. No. 10 at 4. The Court instead replaces the statement with the following: "Sergeant Muro told Plaintiff not to mess around with his girlfriend, who happened to be Sergeant Guzman."

<sup>2</sup> The Court declines to adopt the statement in Section III of the M&R that states: "Sergeant Guzman told Plaintiff not to mess around with his girlfriend, who happened to be Sergeant Cinthia Guzman." Dkt. No. 40 at 4. The Court instead replaces the statement with the following: "Sergeant Muro told Plaintiff not to mess around with his girlfriend, who happened to be Sergeant Cinthia Guzman."

Accordingly, the Court **RETAINS** Plaintiff's retaliation claim against Phillip Sifuentes<sup>3</sup> and **DISMISSES** all other claims against Defendants. Further, the Court **DENIES** the Motion to Dismiss, Dkt. No. 21.

SIGNED this 19th day of August, 2019.

A handwritten signature in black ink, appearing to read 'Hilda Tagle', written over a horizontal line.

Hilda Tagle  
Senior United States District Judge

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<sup>3</sup> The First M&R recommended that the Court retain Plaintiff's retaliation claim against Furr. However, because the Magistrate Judge subsequently substituted Philip Sifuentes ("Sifuentes") on behalf of Furr, the Court retains Plaintiff's retaliation claim against Sifeuntes. *See* Dkt. Nos. 41, 42.